

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

LIFT-U, A DIVISION OF HOGAN MFG., ) Case No.: 10-CV-01850-LHK  
INC., a California corporation, )

Plaintiff,  
v.

RICON CORP., a California corporation, and  
WESTINGHOUSE AIR BRAKE  
TECHNOLOGIES CORPORATION dba  
VAPOR BUS INTERNATIONAL, a Delaware  
corporation,

### Defendants.

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LIFT-U, A DIVISION OF HOGAN MFG.,  
INC., a California corporation,

Plaintiff,

V.

NORTH AMERICAN BUSINESS  
INDUSTRIES, INC., an Alabama corporation,

**Defendant.**

## **ORDER CONSOLIDATING CASES**

Case No.: 12-CV-01129-DMR

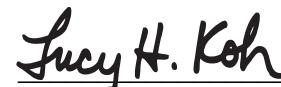
Before the Court is Lift-U's motion to consolidate the above captioned cases. *See* ECF No.

95. Defendant Ricon does not oppose this motion, ECF No. 96, and Defendant North American  
Business Industries, Inc. (“NABI”) has not yet been served with the complaint and has not made an  
appearance. Pursuant to Federal Rule of Civil Procedure 42(a)(1), “If actions before the court  
involve a common question of law or fact, the court may (1) join for hearing or trial any or all  
matters at issue in the actions; [or] (2) consolidate the actions . . . .” The Court has reviewed  
Plaintiff’s motion and the relevant filings in both cases and finds that these cases involve common  
questions of law and fact and that consolidation would promote judicial economy. Specifically,  
both cases involve the validity of Lift-U’s patents-in-suit and whether Ricon -- in the 10-CV-1850  
(the “first case”) -- or NABI -- in 12-CV-01129 (the “second case”) -- is liable for infringement of

1 the same Lift-U patents. Both cases also involve the same transaction, namely the offer to sale the  
2 same accused product, Ricon's 1:6 rise-to-run ratio ramps. Accordingly, Lift-U's motion to  
3 consolidate the two cases is GRANTED. The May 10, 2012 case management conference in the  
4 first case is hereby VACATED. A case management conference for the consolidated case is set  
5 for April 11, 2012. By April 4, 2012, the parties shall file a joint case management statement  
6 proposing a schedule for the consolidated case. The April 20, 2012 settlement conference remains  
7 as set. By March 30, 2012, Lift-U shall serve a copy of this Order on NABI and file a certificate of  
8 service. All future filings will be made in first case's docket.

9 **IT IS SO ORDERED.**

10 Dated: March 26, 2012



11 LUCY H. KOH  
United States District Judge